

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

LOUIS S. PROSPERI and  
SUSAN I. PROSPERI,

Plaintiffs,

vs.

TOWNSHIP OF SCOTT, BOARD OF  
COMMISSIONERS OF TOWNSHIP OF  
SCOTT, DAVID JASON, individually and in  
his capacity as Vice President and Commissioner  
of the Township of Scott, JANET A.  
BEERHALTER, individually and in her capacity  
as Commissioner of the Township of Scott,  
THOMAS M. CASTELLO, individually and in  
his capacity as Commissioner of the Township  
of Scott, J. DAVID HENDERSON, individually  
and in his capacity as Commissioner of the  
Township of Scott, EILEEN MEYERS,  
individually and in her capacity as Commissioner  
of the Township of Scott, JAMES WALTHER,  
individually and in his capacity as Commissioner  
of the Township of Scott, JEAN O'TOOLE,  
individually and in her capacity as Commissioner  
of the Township of Scott, CRAIG C.  
STEPHENS, individually and in his capacity as  
President and Commissioner of the Township  
of Scott, and LENNON, SMITH, SOULERET  
ENGINEERING, INC., individually and in its  
capacity as engineer of the Township of Scott.

Defendants.

2:06cv501  
Electronic Filing

 MEMORANDUM ORDER

AND NOW, this 22 day of February, 2007, after cross-claim defendants' Scott Township, its Board of Commissioners, and the individually named Commissioners filed a motion for judgment on the pleadings on the cross claim for contractual indemnity filed by Lennon, Smith, Souleret Engineering, Inc., and after a Report and Recommendation was issued by the United States Magistrate Judge, and the parties were granted thirteen days after being served with a copy to file written objections thereto, and no objections having been filed, and after independent review of the pleadings and the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS ORDERED that the motion for judgment on the pleadings filed by cross-claim defendants Scott Township, its Board of Commissioners, and the individually named Commissioners on the cross-claim for contractual indemnity filed by Lennon, Smith, Souleret Engineering, Inc. (Document No. 53) is denied as to Scott Township and granted as to its Board of Commissioners and the individually named Commissioners.



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David Stewart Cercone  
United States District Judge

cc: Honorable Robert C. Mitchell  
United States Magistrate Judge

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